



POST Investigations Bulletin

State of Utah Department of Public Safety Peace Officer Standards and Training

December 2008

One of the duties of the Utah Council on Peace Officer Standards and Training is to establish and enforce rules of conduct for certified peace officers throughout the state. During the disciplinary action portion of each POST Council Meeting, the Council reviews and rules on cases investigated by the POST Investigations Bureau. These decisions help define acceptable and unacceptable conduct for Utah peace officers.

Please note that the actions taken by the POST Council are not binding precedent. The POST Council makes every effort to be consistent in its decisions, but each case is considered on its own individual facts and circumstances. The *POST Investigations Bulletin* is published to provide insight into the Council's position on various types of officer misconduct.

On December 10, 2008, POST Council convened and considered 27 cases of officer discipline. POST Council accepted 23 cases, requested more severe sanctions on three cases, and reduced the recommended sanctions on one case.

Case #1

Sexual Misconduct on Duty: Deputy A was employed as a deputy for a county sheriff's office. Officers from a local city agency responded to the home of Deputy A to investigate a report of a man assaulting Deputy A. During the investigation of the assault, the man reported he had struck Deputy A because Deputy A was having an affair with his wife. The information was turned over to the sheriff's office for an internal affairs investigation. During the investigation, Deputy A admitted that he did take the man's wife out on several ride-a-longs; this led to a sexual relationship that occurred on duty. An administrative hearing was conducted. The Administrative Law Judge (ALJ) recommended that Deputy A's peace officer certification be revoked. The POST Council accepted the recommendation of the ALJ.

Case #2

Theft/misuse of public money: Officer B worked as a correctional officer for the State of Utah. Officer B supervised a group of inmates conducting a work project at the State Capitol facility. Officer B collected some scrap copper and aluminum and took it to his home at the completion of the shift. Officer B then took the scrap material to a recycling facility and collected \$711.60 and kept the money for personal use-Officer B was charged with Misuse of Public Money. Officer B signed a consent agreement for a revocation of his correctional officer certification. The POST Council ratified the conditions of the consent agreement.

Case #3

Falsification of POST Application: Officer C worked for a city police department. Officer C was in the process of applying with the U.S. Secret Service. During a background check and polygraph examination for the Secret Service, investigators learned Officer C had downloaded child pornography over 50 times prior to him attending the police academy in 2004. The Secret Service reported this information to Officer C's agency. The agency reported the information to POST. POST reviewed Officer C's POST application and discovered he did not put this illegal activity on his POST application. This information would have prevented Officer C from attending the police academy. Officer C signed a consent agreement for a revocation of his peace officer certification. The POST Council ratified the conditions of the consent agreement.

Case #4

Distribution of Harmful Material to a Minor: Cadet D was enrolled in a satellite academy program and had completed the special functions portion of the academy. While attending the academy, Cadet D sent sexually explicit e-mails and photos of himself to a county deputy posing as a 14-year old girl. The deputy was able to identify the cadet and discovered he was attending the satellite academy. Criminal charges were screened and the case was referred to POST investigations. Cadet D signed a consent agreement for revocation of his special function officer certification and was dismissed from the academy. The POST Council ratified the conditions of the consent agreement.

Case #5

DUI: Officer E was employed as an officer for a city police department. The wife of Officer E was driving home and struck a utility pole. After the accident, Officer E then took control of the vehicle and continued to drive home. The vehicle was stopped by police for reported hit and run. During the investigation, officers learned that both Officer E and his wife were driving the vehicle. Both were investigated for DUI and arrested. Officer E refused to take a blood test. A search warrant was issued and blood was taken from officer E. Blood test resulted in a blood alcohol level of .13. Officer E would not cooperate with a POST investigation. An administrative hearing was held, the Administrative Law Judge recommended Officer E's peace officer certification be suspended for two years. The POST Council ratified the recommendation of the Administrative Law Judge.

Case #6

Lying Under Garrity: Cadet F was employed by a sheriff's office and attending POST. Cadet F had completed requirements for special function certification. During the law enforcement training portion of the police academy, Cadet F was observed by several staff members not completing the designated daily physical fitness workouts. Cadet F was confronted by staff members and members of his academy class who warned him not to cheat on the workout. Cadet F continued to do incomplete workout sessions. Cadet F was interviewed by POST investigators. After a Garrity warning, Cadet F denied cheating on the workouts. The investigation concluded Cadet F was cheating on the workouts and had lied to investigators. Cadet F was dismissed from the academy for lying and violating POST policies. Cadet F signed a consent agreement for a three-year suspension of his special function officer certification. The POST Council ratified the conditions of the consent agreement.

Case #7

Custodial Sexual Misconduct: Officer G worked as a correctional officer for the State of Utah. Staff members of the correctional facility noticed inappropriate behavior between Officer G and a particular female inmate. Officer G and the female were investigated and interviewed by the department's internal affairs division. Officer G admitted to a sexual relationship between himself and the female inmate. Officer G signed a consent agreement for revocation of his correctional officer certification. The POST Council ratified the conditions of the consent agreement.

Case #8

Theft: Dispatcher H worked as a dispatcher for a sheriff's office and worked part time at a retail store. The Daughter-in-law of Dispatcher H came into the retail store and bought a late model television at a discounted price. The next day Dispatcher H's son returned the television with substantial damage. Dispatcher H was working the service counter and assisted her son in exchanging the television for a newer model that cost \$449 more than the returned television. Neither Dispatcher H nor her son paid the difference for the television. Dispatcher H was charged with Misdemeanor A theft. Dispatcher H signed a consent agreement for a three-year suspension of her dispatch certification. The POST Council ratified the conditions of the consent agreement.

Case# 9

Malfeasance of Office: Sergeant I worked as a correctional officer for the State of Utah. Sergeant I developed an inappropriate relationship with a female inmate. He gave the inmate his personal cell phone number and a napkin that contained his cologne. Other officers overheard Sergeant I engage in conversations with the female inmate that were sexual in nature. During an investigation, Sergeant I admitted to the inappropriate conduct with the inmate. Sergeant I signed a consent agreement for a two-year suspension of his correctional officer certification. The POST Council ratified the conditions of the consent agreement.